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# ITU Regional Workshop on Bridging the Standardization Gap for the Arab and Africa regions

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## **THE ROLE OF MARKET SURVEILLANCE AND AUDIT IN ADDRESSING NON COMPLIANCE**

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# Fundamentals of an orderly telecom equipment marketplace

- Robust technical requirements for products entering the marketplace
- Interference free services – wireless, wireline, broadcast, satellite
- Products are safe for citizens and service provider personnel
- Market access regime that inspires trust and confidence in users, suppliers and service providers
- Delivers national and international connectivity
- Reflects priorities and values of a society
- Many developing countries moving quickly from uncontrolled market access driven by variety of concerns e.g. health, quality, economics, counterfeit



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## Institutional foundations for an orderly telecom equipment marketplace

- Robust legal framework for market entry with assessed penalties for non compliance
- Telecom policy, regulations and standards
- Technical specifications for equipment covering:
  - Wireless
  - wireline
  - EMC
  - SAR
  - Broadcast
- Trusted credentials based on - accreditation, certification, testing and marking per ISO/IEC Stds
- Post market surveillance and audit

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# Shared responsibilities in an orderly marketplace

- Government agencies:
  - Legislators
  - Border control agencies
  - Regulatory authorities
  - Inspection agencies
- Accreditation and Certification Bodies
- Manufacturers
- Importers
- Distributors
- Vendors

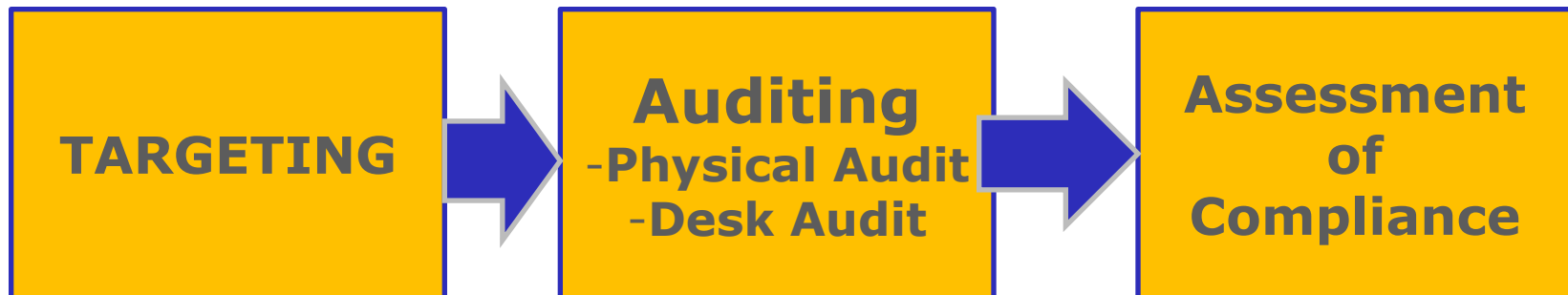
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# Objectives of Market Surveillance

- Ensuring continued compliance
- Preventing interference
- Preventing harm to the network
- Ensuring safety of personnel
- Ensuring that non-compliance is dealt with promptly

# Market Surveillance and Audit

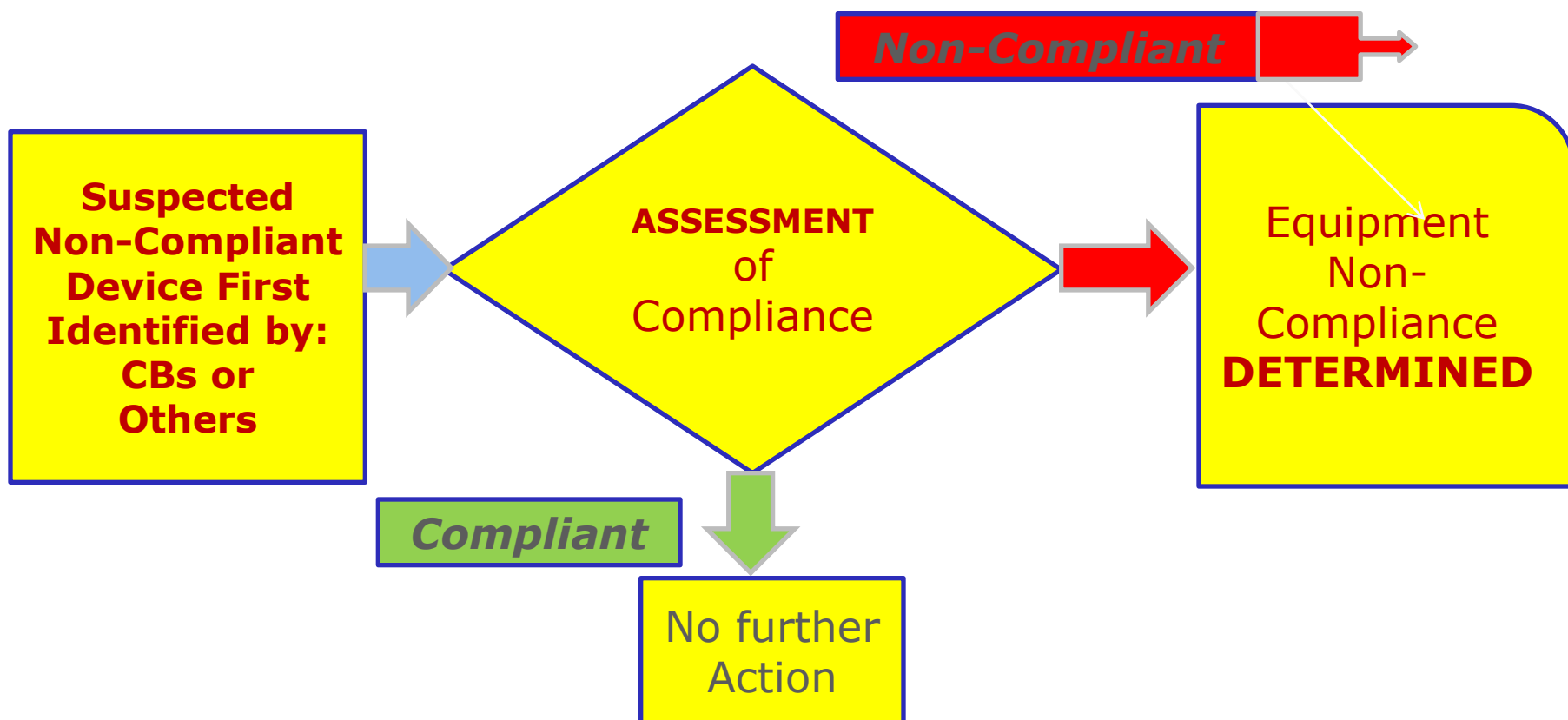
- Three components of market surveillance:
  - Targeting
  - Auditing – physical and desk audit
  - Assessment of Compliance



# Basic tools for compliance assessment and physical audit

- Access to testing facilities for compliance assessment:
  - ISO/IEC 17025 Accredited Test lab equipped with some or all of the following sub units:
    - Wireless test unit
    - Wireline test unit
    - EMC test unit
    - Calibration unit
    - SAR test system
    - Environmental chamber
    - Anechoic chamber
    - Open Area Test Site (OATS)
    - Electromagnetically Shielded room

# Determination of non-compliance





## **Responsible parties in *Identification and Determination of Non-Compliance***

- Identification definition: “initial finding, reporting or complaint of non-compliance”
- National authority contacts responsible parties which may include one or more of:
  - certificate holder, manufacturer, test lab, certification body, supplier, distributor and importer
- Time limits set for responses e.g. 15/30 days
- Investigation begins forthwith
- Potential extent of non-compliance discovered e.g. 250K units in the marketplace
- Production run data examined
- Determination of non-compliance made by authority
- Report produced and sent to Enforcement branch with recommendation for appropriate action

# Collaboration Frameworks

- Motivation – heads-up on non-compliances in other markets
- Collaboration instruments: MoU, MRA, Informal information exchange
- Relationships among participants: e.g. independent entities, regulatory bodies, governments departments and agencies
- Elements of collaboration:
  - Scope of market surveillance e.g. telecom terminal equipment, radio apparatus, EMC, SAR
  - Identification of participating bodies
  - Exchange and handling of information e.g. limitations, restrictions and confidentiality
  - Contact persons and entry into effect
  - Oversight arrangements and meetings e.g. Joint Committee

# Preparations for global conformity assessment acceptance

## 1.0 Enablement of Mutual Recognition Arrangements and Agreements (MRAs)

- Legislation needs to allow for delegation of powers:
  - Recognition of competence in calibration
  - Recognition of competence in accreditation authorities
  - Recognition of competence in testing and certification
- **Mandatory** recall powers may need to be in legislation if **voluntary** recalls are not foreseen as being effective

## 2.0 Robust test methodologies need to be in place to respond to potential challenges of findings of non-compliance

# Targeting

- Random selection/sampling of regulated equipment for market surveillance and audit based on:
  - Past history of non-compliance – certifier, manufacturer, or importer
  - New applicant for certification
  - New technology
  - Popularity of product (mass deployment)
  - Price of product relative to similar products
  - Potential for harm/impact to network or people

# Auditing

- Physical audits of a representative sample of products entering the marketplace
- Large volumes of new radio equipments and surveillance cost considerations force sampling levels to be typically of the order of 2 to 5%
- Additional sampling of at least 1% recommended for equipment subject to radio frequency exposure limits
- Desk audits to complement physical audits (technical evaluation of documents submitted in support of certification, or SDoC)

## Recommendations for action

- Review market surveillance regimes established in other jurisdictions e.g. EU, US, Brazil, Canada, others
- Ensure that legislative and regulatory instruments are in place to permit inspection and enforcement, assess penalties and deal with counterfeit and fraud
- Ensure that robust technical requirements are in place for products entering the marketplace
- Establish an inspection program to survey the market and perform desk audits
- Establish and/or identify test labs that can perform physical audits and compliance testing
- Establish collaborative arrangements with regional partners for early identification of non-compliances



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**THANK YOU**

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